

VIRGINIA'S PLAN FOR REDUCING DISPROPORTIONATE MINORITY CONTACT, 2006 - 2008¹

¹ The full DMC Plan includes a section, *Progress Made, 2003-2005 Plan*. The DMC Plan is part of *Virginia's Three Year Plan, 2006-2008, under the Juvenile Justice and Delinquency Prevention Act*. The Three-Year Plan is available online at <http://www.dcjs.virginia.gov/juvenile/resources>.

TABLE OF CONTENTS

	PAGE
DMC Reduction Plan for 2006-2008	
Legislative Changes	1
Policies and Procedures	2
Training and Information Dissemination	3
DMC Data	
State Data	5
Fairfax County	6
Norfolk	7
Virginia Beach	7

PLAN FOR REDUCING DISPROPORTIONATE MINORITY CONTACT (DMC)

Changing the problem of disproportionate representation of African American children, particularly African American males, in Virginia's juvenile justice system requires a multifaceted approach. Several of the problems pertinent to this issue have begun to be addressed since the 2003-2005 Three-Year Plan. The lack of qualified legal representation for poor children was identified by the American Bar Association and, in response, the Virginia legislature created the Indigent Defense Commission. The Department of Juvenile Justice has undertaken the Juvenile Detention Alternatives Initiative to find alternatives to detention for children who do not require it. In the long term, both of these initiatives by our partners will reduce the disproportionate representation of poor, African American children in Virginia. DCJS is working with our partners on these and other initiatives to address disproportionate minority representation and to effect change. These are described below.

DMC REDUCTION PLAN FOR 2006-2008

Legislative Changes

Proposed Study of the Juvenile Justice System

In the 2006 General Assembly Session, a resolution (HJ136) was passed directing the Virginia State Crime Commission to conduct a study of the Virginia juvenile justice system. The Resolution directs the Commission to focus on recidivism, disproportionate minority contact with the justice system, improving the quality of and access to legal counsel based on the American Bar Association recommendations, accountability in the courts, and diversion.

Counsel for Detention Hearings

a. Timing of Appointment of Counsel

Effective July 1, 2005, counsel must be provided prior to an initial detention hearing. Youth may waive their right to counsel without consulting with an attorney if they have not been charged with felony offenses. Those charged with felonies must consult with an attorney prior to waiving their right to counsel at this stage.

With this new legislation that provides for counsel earlier in the process, it is expected that fewer juveniles will be detained predispositionally.

b. Fees for Counsel

In the 2006 General Assembly Session, House Bills 176 and 1203 were designed to increase the compensation for counsel. Both died in Committee before being passed to the Senate.

Policies and Procedures

The Advisory Committee on Juvenile Justice

The Virginia Advisory Committee on Juvenile Justice (ACJJ) has a Disproportionate Minority Contact Subcommittee. As the ACJJ has many new members and the DCJS has a new DMC Coordinator, it is expected that the committee will be reinvigorated.

The Advisory Committee disbanded the Government Relations Subcommittee as all members of the Committee were interested in participating in discussions about legislation that could affect children in the juvenile justice system. The ACJJ communicates their positions on legislation of interest to them to the Secretary of Public Safety through the Department of Criminal Justice Services.

Grantees to Address Disproportionate Minority Representation

DCJS Title II and Title V grants administered through the Juvenile Services Section will continue to require compliance with the four core requirements of the JJDP Act, including addressing disproportionate minority representation. Grantees are asked to ensure that their prevention and intervention programs do not prohibit minority participation. A Notice of Compliance with the Core Requirements is sent to grant applicants requesting that they assess their locality's DMC status in the juvenile justice system if they want to participate in Title II or Title V grant funding. It requires the development of a corrective plan if minorities are overrepresented.

One-Time System Improvement Grants

DCJS has provided one-time system improvement grants to three localities (Norfolk, Newport News, and Roanoke) to collect data on disproportionate minority representation in their juvenile justice systems.

Governor's Preventing Crime in Minority Communities Task Force

In November of 2003, Virginia's Governor Warner announced the appointment of a task force to meet with citizens around the State to address the issue of preventing crime in minority communities. It released its final report and recommendations².

The following recommendations have been implemented.

- a. Youth Courts. The Juvenile Services Section has begun working on a pilot program to develop school-based youth courts in several localities using Challenge funds.
- b. A focus group at the Governor's Public Safety Policy Summit in September 2005 emphasized recruiting and retaining minority officers.

² Commonwealth of Virginia (March 22, 2005). The Governor's Preventing Crime in Virginia's Minority Communities Task Force Report.

Proceedings of the Summit will be shared with the Virginia Association of Commonwealth's Attorneys, the Virginia Association of Chiefs of Police and the Virginia Sheriff's Association.

Department of Juvenile Justice Juvenile Detention Alternatives Initiative

The Department of Juvenile Justice has undertaken an initiative with funding from the Annie E. Casey Foundation and a DCJS Juvenile Accountability Block Grant to increase the use of alternatives to secure detention. The project is being piloted in 4 secure detention homes and the associated 6 court service unit intake offices. An additional site, Norfolk, was added in October 2005. Because lack of local alternatives is reputedly one of the reasons leading to detention, it is hoped that this initiative will reduce the number of African American juveniles in detention.

a. DCJS Support of JDAI Initiative. To support this initiative, DCJS awarded the Department of Juvenile Justice a Juvenile Accountability Block Grant of \$450,000, which began in 2004 to allow those pilot localities participating in the Casey initiative to provide alternatives to detention. The grant was continued in 2005 and 2006.

b. DCJS Title II awards for Detention Expeditors. Several Title II grants have been provided to localities in the JDAI pilot sites for detention.

Training and Information Dissemination

Training Juvenile Counsel

The American Bar Association's report concerning the legal representation of juveniles in Virginia³ states that the system is uneven and has a disproportionate impact on poor and minority children. Lack of access to and representation by qualified legal counsel may lead to more children being detained, particularly African American children. DCJS identified lack of qualified legal representation as a priority in its 2003-2005 Plan; it continues to be a priority for the 2006-2008 Plan. We have provided training in several venues.

DCJS provided Challenge Grant funding for the Public Defender Commission in 2004 and is planning funding in 2006 for Juvenile Defender Summits. In 2005, DCJS provided Challenge funding to the Indigent Defense Commission for seminars around the state to train juvenile defenders to advocate for release from detention.

Training of Detention Staff

The DCJS Juvenile Services Compliance Monitor provides training and assistance to local officials and detention staff to ensure that they are aware of

³ American Bar Association Juvenile Justice Center & Mid-Atlantic Juvenile Defender Center (2002). *Virginia: An Assessment of access to counsel and quality of representation in delinquency proceedings*. Washington, D.C.: American Bar Association

the four core requirements of the JJDP Act including the necessity of addressing disproportionate minority confinement.

Cultural Awareness Training for Police Officers

The Governor's Preventing Crime in Minority Communities Task Force recommended that training standards be reviewed annually. Previously, they were reviewed periodically but not necessarily annually. DCJS is now undertaking annual reviews.

DCJS also reviews annually the model policy on biased-based policing.

Juvenile Services Section Fact Sheet

The Juvenile Services Section DCJS Fact Sheet, *Reducing Minority Overrepresentation in Virginia's Juvenile Justice System* describes the problem in Virginia, lists strategies that Virginia has undertaken to reduce the problem, and provides a list of resources for localities. It has been distributed widely across the Commonwealth to professionals involved in the juvenile justice system, promoted at conferences, and is also available online at <http://www.dcjs.state.va.us/juvenile> (click on Publications & Resources). DCJS will continue to promote it. It has already been reprinted.

Juvenile Services Section Demographics Web Page

The Juvenile Services Section, DCJS, web page is designed to enable representatives from localities, grantees, and other interested persons to learn about minority representation and overrepresentation in the Virginia juvenile justice system and the national requirements for monitoring disproportionate minority confinement. Ready access to state and local population, intake, and confinement data by race is also provided, along with instructions about how to compute indices comparing juveniles in the justice system. The web site can be accessed through the Juvenile Services Section main page at <http://www.dcjs.state.va.us/juvenile> and then clicking on the *Juvenile Justice System Demographics* menu. Both number and percentage information is provided and the numeric information is depicted visually in graph form automatically. This web site will be updated with current information in 2006.

Juvenile Justice and Delinquency Prevention Conference

For the 2006 conference, it is expected that several workshops will include the issue of disproportionate minority representation in the juvenile justice system. The idea is that the issue will be integrated within sessions rather than addressed separately.

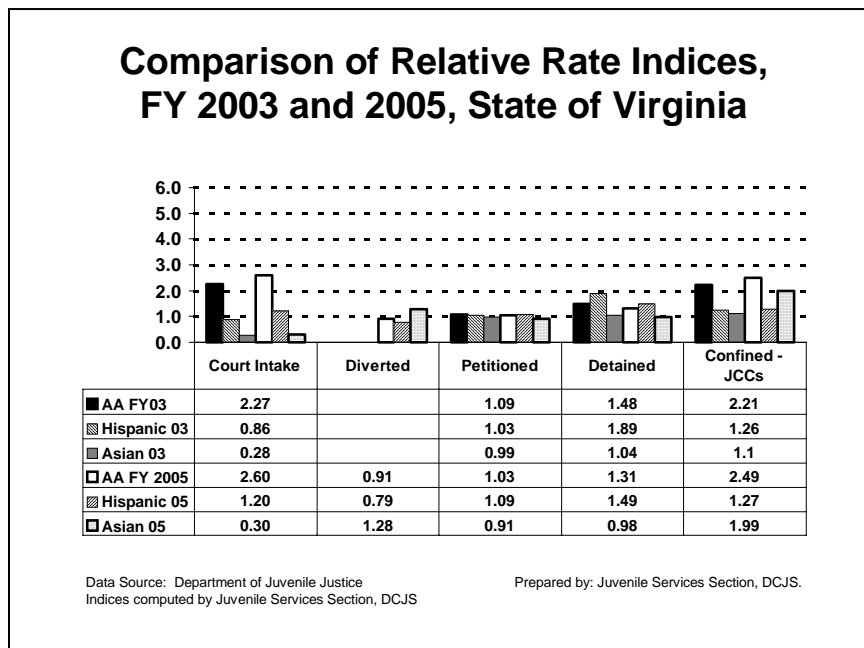
DMC DATA

The relative rate index is the measure of disproportionate minority contact required by the federal Office of Juvenile Justice and Delinquency Prevention. It

is computed by determining the rate of juveniles by race in the system at various stages. To obtain the relative rate index, that rate for a minority group at a given stage is compared to the rate for the white group at that same stage. Following are the Relative Rate Indices for the State and the three localities with the largest minority population, Fairfax County, the City of Norfolk, and the City of Virginia Beach. Relative rate indices for FY2005 are compared with those for FY2003.

State Data

For the State, the juvenile population aged 10-17 is about 25% African American, 6% Hispanic and 4% Asian.



Comparative data for the State are displayed on the chart. The 2003 indices are the first three bars in each group – African American, Hispanic, and Asian.

At court intake, shown with the bars at the left of the graph, African American children (solid black bar for '03 and solid

white bar for '05) are more than twice as likely to be referred as white children. In fact, the index value has increased slightly between 2003 and 2005. Examination of the numeric data indicates that about 2,400 fewer white children were brought to court service units in Virginia in 2005 than in 2003, a decrease of 9%. Conversely, about 2,200 more African American children were brought to intake, an increase of 10%.

As the chart shows, the diverted and petitioned data all hover around 1.0 which is the comparative value for white children on all graphs in this section. Thus, no racial bias is evident at the diverted and petitioned stages.

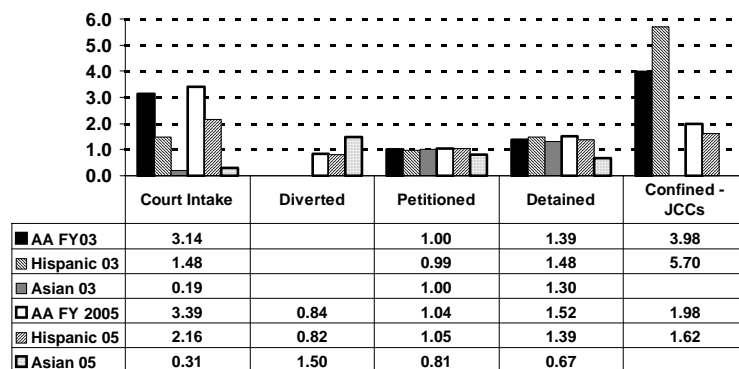
At the detention stage, the indices are lower in 2005 than 2003 for both African American and Hispanic children. This is probably due to shifts in the African American and white juvenile populations. Between 2000, the basis for the 2003 indices, and 2003, the basis for the 2005 indices, the population of African American children aged 10-17 increased by 9.9% compared to the 5.8% increase in the population of white children in that age group.

As at Intake, African Americans are more than twice as likely to be confined in juvenile correctional centers and the index value has increased from 2003 to 2005. Although the numbers of children being confined in juvenile correctional centers has decreased, the decrease is higher for white (-30%) than African American children (-11%). Although Asian children show a high index at the confinement stage, the index is based on 9 children, too few for further discussion.

Fairfax County

Fairfax County's minority juvenile population is much different than that of the State as a whole where the largest minority is African American. In Fairfax County, the juvenile population is approximately 15% Asian, 12% Hispanic, and 10% African American. The most striking

**Comparison of Relative Rate Indices,
FY 2003 and 2005, Fairfax County**

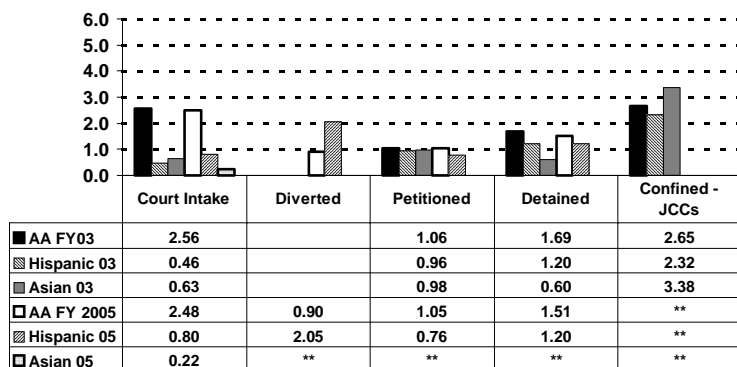


Data Source: Department of Juvenile Justice
Indices computed by Juvenile Services Section, DCJS

Prepared by: Juvenile Services Section, DCJS.

information in this chart is the decrease between 2003 and 2005 in the indices for African Americans and Hispanics at the confinement stage shown on the right of the graph. For African Americans, the index is halved and for Hispanics, it is less than 1/3 of its 2003 value. Like the State as a whole, the decision to petition to court or divert does not seem to be biased, although Asians are somewhat more likely to be diverted than whites in Fairfax County. At the intake stage, at the left of the graph, the indices for African Americans and Hispanics have increased slightly since 2003.

Comparison of Relative Rate Indices, FY 2003 and 2005, City of Norfolk



Data Source: Department of Juvenile Justice
Indices computed by Juvenile Services Section, DCJS
** insufficient cases for analysis

Prepared by: Juvenile Services Section, DCJS.

Norfolk

In Norfolk, the juvenile population is about 60% African American and less than 3% each Hispanic and Asian. The indices for the City of Norfolk look quite promising. As the chart shows, there is still evidence of bias for African American

children at the court intake and detention stages. However, in both instances, there is a small decrease in the indices between 2003 and 2005.

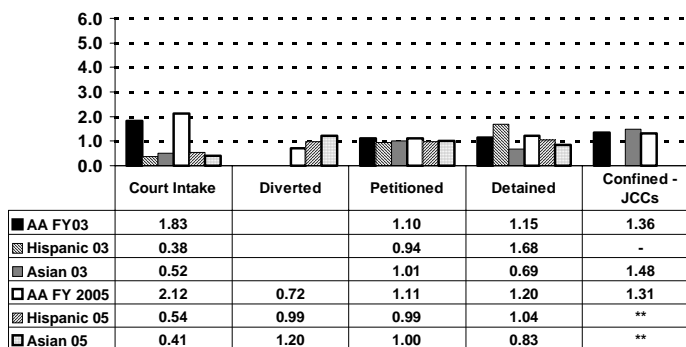
In 2005, there were insufficient cases confined in juvenile correctional centers for the index to be calculated.

Virginia Beach

The juvenile population of Virginia Beach is about 25% African American and about 5% each Hispanic and Asian. The indices for Virginia Beach are good relative to the State and to other localities. African Americans are more likely to be brought to court services unit intake than whites, as shown in the left bars

and they are more likely than white children to be confined in juvenile correctional centers, as shown in the right bars. African American children are about twice as likely as white children to be referred to court intake, but they are only 1.5 times as likely to be confined in correctional centers.

Comparison of Relative Rate Indices, FY 2003 and 2005, City of Virginia Beach



Data Source: Department of Juvenile Justice
Indices computed by Juvenile Services Section, DCJS
** insufficient cases for analysis

Prepared by: Juvenile Services Section, DCJS.